

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

A meeting of the Georgia State Board of Funeral Service was held on Tuesday, December 11, 2012 at the Professional Licensing Boards office in Macon, GA. Chairman Thelon Hamby called the meeting to order at 10:04 a.m.

A quorum was established with members present being: Chairman: Thelon Hamby, Terry Daviston, Nancy Kennedy, Michael Fowler, David Roach, Bryant Hightower and Lauren McDonald.

Others present were as follows: Steve Lindsey, Executive Director, Grechelle Blocker, Board Support Specialist and Reagan Dean, Assistant Attorney General.

Approval of Minutes:

Terry Daviston moved, Michael Fowler seconded, and the Board voted to approve both the Official and Executive Session minutes from the November 12, 2012 meeting.

Terry Daviston moved, Bryant Hightower seconded, and the Board voted to ratify the following licenses issued since the November 12, 2012 Board meeting:

License No	Licensee	Profession
CREM000099	Callaway Funeral Home & Georgia's Lake Country Crematory	Funeral Service
EMB004813	Morisette, Michael Donald	Funeral Service
EMB004814	Johnson, LaMario Ivery	Funeral Service
EMB004815	Pierson, James Lamar Cotesworth, III	Funeral Service
EMB004816	Sutton, Holly Danielle	Funeral Service
EMB004817	Daniels, Belveanna ReTina	Funeral Service
FD005220	Morisette, Michael Donald	Funeral Service
FD005221	Johnson, LaMario Ivery	Funeral Service
FD005222	Pierson, James Lamar Cotesworth, III	Funeral Service
FD005223	Sutton, Holly Danielle	Funeral Service
FD005224	Daniels, Belveanna ReTina	Funeral Service
FEST001848	Miles-Nobles Funeral Home	Funeral Service
FEST001849	William Gayleano Murray and Son Funeral Home	Funeral Service
FSA005492	Street, Howard Edwin, Jr	Funeral Service
FSA005493	Wages, Katelin Marie	Funeral Service
FSA005494	Rosier, Robert Earl	Funeral Service
FSA005495	Coes, Alvie, III	Funeral Service
FSA005496	Roberts, Sharon	Funeral Service
FSA005497	Jackson, John Frank	Funeral Service
FSA005498	Alphin, Gerald Preston	Funeral Service

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

David Roach moved, Nancy Kennedy seconded, the Board voted to accept the following Continuing Education courses:

Program Provider/Sponsor	Course Title	Hours Approved
National Funeral Directors Association Kathleen Walczak 13625 Bishop's Drive Brookfield, WI 53005 (800) 228-6332 (262) 789-6977 Fax kwalczak@nfda.org	Embalming Risk Management	1
	Don't Settle for Satisfied! Build Customer Loyalty	1
Georgia Funeral Directors Association Alysia McDonald English P. O. Box 1865 Roswell, GA 30077 (770) 592-8002 (770) 592-3686 Fax alysiamc@msn.com	"You Said What to the Media?! (And today, everyone is media...)" Media Training for Funeral Directors and Industry Professionals	4

At 10:30, Chairman Hamby closed the meeting in order to hold a public hearing on proposed rule amendments.

Public Hearing:

A public hearing was held at 10:30 a.m. for the purpose of allowing public comment on proposed amendments to Rule 250-6-.07 and Rule 250-6-.09. Public comments were received by the Board during the hearing. At the conclusion of comments, Chairman Hamby declared the hearing closed, and the meeting of the Board was called back into Open Session.

Adoption of Proposed Rules:

David Roach moved, Michael Fowler seconded, and the Board voted that the formulation and adoption of the proposed rule amendment to Rule 250-6-.07 does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

accomplishes the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; 43-18-71; 43-18-72; and 43-18-75.

David Roach further moved, Michael Fowler seconded, and the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; 43-18-71; 43-18-72; and 43-18-75 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D), and that the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

David Roach moved, Terry Daviston seconded, and the Board voted to adopt the following amendments to Rule 250-6-.07:

250-6-.07 Crematory Inspections. Amended.

(1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

Although the funeral director in full and continuous charge need not be present for the inspection, the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

- (a) A room, with seating for at least 30 persons, where funeral services are conducted in the crematory.
- (b) A display room containing an adequate supply of urns;
- (c) One operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm;
- (d) At least one operable retort for cremation;
- (e) At least one operable processing station for grinding of cremated remains;
- (f) At least one church truck; and
- (g) A current license for the crematory and funeral director, which must be conspicuously displayed.
- (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments.

(2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. Such information shall include, but not be limited to:

- (a) Make and model of the retort;
- (b) Manufacturer's name;
- (c) Year installed;
- (d) Date of most recent manufacturer's inspection;
- (e) Copy of most recent inspection report from manufacturer;
- (f) Documentation regarding necessary repairs to the retort.

(3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed 30 days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.

(4) The Board shall require the Funeral Director in Full and Continuous Charge to be certified as crematory operator from a course approved by the Board.

David Roach moved, Terry Daviston seconded, and the Board voted that the formulation and adoption of the proposed rule amendment to Rule 250-6-.09 does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; 43-18-71; and 43-18-72.

David Roach further moved, Michael Fowler seconded, and the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; 43-18-71; and 43-18-72 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D), and the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

David Roach moved, Terry Daviston seconded, and the Board voted to adopt the following amendment to Rule 250-6-.09:

250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge.

(1) The Funeral Director in Full & Continuous Charge shall:

- (a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by OCGA §§ 43-18-5(a), 43-18-46(25), & 43-18-73.
- (b) Ensure that the funeral establishment complies with the provisions of OCGA § 43-18-70 and Rule 250-6-.06.
- (c) Ensure that the crematory complies with the provisions of OCGA § 43-18-72 and Rule 250-6-.07.
- (d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times while they are in the employ of the establishment, as required by OCGA §§ 43-18-5(a) & 43-18-46(18), (25).
- (e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by OCGA §§ 43-18-5(d) & 43-18-46(7).

(f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by OCGA § 43-18-5(e).

(g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with OCGA §§ 43-18-5(f) & 43-18-46(16).

(h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment or cremation and that all cremated remains are labeled in accordance with the provisions of OCGA § 43-18-8(a).

(i) Ensure that the certificate of cremation is completed with notarized signature and presented to the legally authorized person at the time of delivery or release, in accordance with OCGA § 43-18-8(b).

(j) Ensure that the licenses or wall certificates issued by the Board to the establishment and all licensed people employed by the establishment are posted in a conspicuous place in the establishment, as required by OCGA § 43-18-44.

(k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with OCGA § 43-18-46(4), (9).

(l) Ensure that charges for merchandise and services rendered are in compliance with the General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by 16CFR453.2 & OCGA § 43-18-46(17).

(m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by 16CFR453.2.

(n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.

(o) Ensure compliance with the terms of the funeral services contract, as required by OCGA § 43-18-46(12).

(p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with OCGA § 43-18-46(11), (23). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.

(q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with OCGA § 43-18-46(13).

(r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by OCGA § 43-18-46(15), (26).

(s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by OCGA § 43-18-46(19).

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

- (t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in OCGA § 43-18-1(21). Soliciting is prohibited by OCGA § 43-18-46(20).
- (u) Ensure that all apprenticeship service reports and affidavits of embalming and directing for apprentices of the establishment are accurate and signed by the appropriate supervisor(s), in accordance with OCGA §§ 43-18-46(21) & 43-18-52.
- (v) Ensure that apprentices of the establishment work under the direct supervision of the supervisor(s) on record with the Board, in accordance with OCGA § 43-18-50. It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).
- (w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.
- (x) Ensure that the establishment complies with all federal, state, and local regulations as listed in OCGA § 43-18-46(22).
- (y) Ensure that discrimination, as described in OCGA § 43-18-46(24), is not tolerated in the establishment.
- (z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with OCGA § 43-18-46(25).
- (aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by OCGA § 43-18-46(14), (27).
- (bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or minister, found in OCGA § 43-18-46(28), is adhered to by employees of the establishment with such dual roles.
- (cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of OCGA § 43-18-55 and 43-18-56, regarding continuing education.
- (dd) Ensure that the FDFCC complies with the responsibilities detailed in OCGA § 43-18-71 by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community.
- (ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by OCGA § 43-18-71(b).
- (ff) Ensure that the Board is notified within 15 days prior to a change of ownership in the establishment, as required by OCGA § 43-18-73(b).
- (gg) Ensure that the Board is notified within 5 days of the destruction of the establishment by fire, flood, or other natural cause, in accordance with OCGA § 43-18-78. If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.

(hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by OCGA § 43-18-75(a) & Rule 250-6-.06.

(ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.

(jj) Ensure that cremated remains are disposed of in accordance with the provisions of OCGA § 43-18-80.

(kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized crematory repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.

(2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

Executive Session:

Terry Daviston moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by O.C.G.A. § 43-1-2 (k) and 43-1-19 (h). Michael Fowler seconded the motion. The motion was carried by Thelon Hamby, Chairman; Michael Fowler, David Roach, Terry Daviston, Nancy Kennedy, Bryant Hightower and Lauren McDonald. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

Applications:

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following applications for Funeral Director in Full & Continuous Charge:

- | | | |
|-----------|-----------------------------|-------------------------|
| • 1789492 | Chapman Funeral Home | Susan Ross Waters |
| • 1794919 | Maxwell-Miller Funeral Home | Timothy Carlisle Purvis |

Terry Daviston moved, David Roach seconded, and the Board voted to approve the following applications for a new Establishment and appointment of the Funeral Director in Full & Continuous Charge:

- | | | |
|-----------|-----------------------------------|-------------------|
| • 1790104 | Wheeler's Funeral Home | George Bell, Jr. |
| • 1790752 | Evergreen Monticello Funeral Home | Hazel William Lee |

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

- 1794689 Warren Funeral Home, Inc Jonathan Nicholas Ergle

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for a change of Funeral Director in Full & Continuous Charge. Thelon Hamby: Chairman, abstained.

- 1757874 Parnick Jennings Funeral Home & Cremation Services
FDFCC: David Dunlap

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for Funeral Service Apprentice:

- 1770579 Stephenie Julianne Jones

Lauren McDonald moved, David Roach seconded, and the Board voted to table the following application for Funeral Service Apprentice until the January 2013 meeting:

- 1785937 J V F

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for a change of location:

- 1791296 Lawson Funeral Home

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for a new Crematory:

- 1792715 Moody Daniel Crematory

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for a change of name:

- 1795037 Advantage Funeral & Cremation Services Horis A. Ward Chapel

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following applications for reinstatement of Funeral Director and Embalmer licenses upon Examination:

- 1791843 T A S

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

- 1791480 T A S

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following application for reinstatement of Funeral Director licensure:

- 1299312 Adam Carter

Lauren McDonald moved, David Roach seconded, and the Board voted to approve the following applications for licensure by reciprocity for Funeral Director and Embalmer upon Examination:

- 1776976 W L C J
- 1776979 W L C J

Lauren McDonald moved, David Roach seconded, and the Board voted to request the following application for Embalmer to appear at the January 8, 2013 meeting:

- 1793437 J J M

Lauren McDonald moved, David Roach seconded, and the Board voted to deny the following applications for licensure as Funeral Director and Embalmer:

- 1746031 C A M
- 1746033 C A M

Lauren McDonald moved, David Roach seconded, and the Board voted to uphold the decision to deny the following application for a new Establishment. Thelon Hamby: Chairman, abstained.

- 1778477 S J F H

Terry Daviston moved, Nancy Kennedy seconded, and the Board voted to accept the updates on pending cases from the Attorney General's report.

Terry Daviston moved, Michael Fowler seconded, and the Board voted to accept the Cognizant Member's recommendations on the following cases:

FUN130064	Refer to Enforcement. Contact son of the owner to offer Cease & Desist and to verify that owner, who is the Funeral Director in Full
-----------	--------------------------------------------------------------------------------------------------------------------------------------

Georgia State Board of Funeral Service

Board Meeting

December 11, 2012

	& Continuous Charge, is no longer capable of fulfilling duties as FDFCC.
FUN130048	Close
FUN120166	Close with letter of concern regarding any involvement of the apprentice in dealing with families.
FUN120170	Refer to Enforcement.

Michael Fowler moved, David Roach seconded, and the Board voted to ratify the following orders to accept fine money for inspection violations:

Hadley's Funeral Home	\$200	Thomasville
Royal Funeral Home	\$100	Jesup
Harrington Funeral Home	\$150	Lakeland
Young Funeral Home	\$200	Atlanta
Alvie Coes Funeral Home	\$500	Unadilla
Hopkins Mortuary	\$200	Thomasville

Other Business:

The Georgia State Board of Funeral Service voted to grant the following Establishments a 90-day grace period:

- FEST000341 Strong Funeral Home, Moultrie, GA
- FEST000903 Smith-Albritten Funeral Home, Cuthbert, GA

The Georgia State Board of Funeral Service voted to grant the following Establishment a 2nd 90-day grace period:

- FEST001515 Melton Funeral Home, Tifton, GA

There being no further business, the meeting adjourned at 3:30 p.m.

The Georgia State Board of Funeral Service's next meeting will be held Tuesday, January 8, 2013 at 10:00 a.m. at the Professional Licensing Board, 237 Coliseum Drive, Macon, GA.